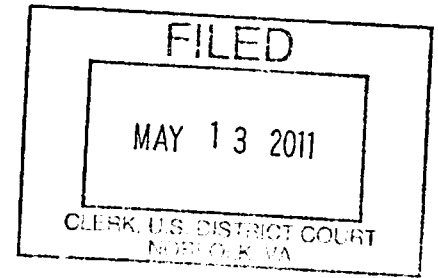


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



STATE FARM FIRE AND
CASUALTY COMPANY,

Plaintiff,

v.

ACTION NO. 4:10cv99

JONATHAN E. FRANK, et al.,

Defendants.

FINAL ORDER

This matter comes before the court on the Motion for Summary Judgment (ECF #15), filed by the plaintiff on December 22, 2010, and the cross Motion for Summary Judgment (ECF #19) filed by the defendants on January 13, 2011. The matter was referred to a United States Magistrate Judge by Order of January 28, 2011 (ECF #23), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motions.


The United States Magistrate Judge's Report and Recommendation (ECF #26) was filed on April 20, 2011. The magistrate judge recommended granting the plaintiff's Motion for Summary Judgment and entering an order granting each of the three declarations requested in plaintiff's Complaint for Declaratory Judgment; and, denying defendants' Motion for Summary Judgment.

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed April 20, 2011. Accordingly, the plaintiff's Motion for Summary Judgment is **GRANTED**; the defendants' Motion for Summary Judgment is **DENIED**; and, it is further **ORDERED** that the three declarations requested in the plaintiff's Complaint for Declaratory Judgment (ECF #1) are **GRANTED**.

The Clerk shall forward a copy of this Final Order to all parties of record.

It is so **ORDERED**.

_____/s/ 
Rebecca Beach Smith
United States District Judge

Norfolk, Virginia

May 13, 2011